



**COMMONWEALTH OF PUERTO RICO  
MUNICIPALITY OF MAYAGUEZ  
DEPARTMENT OF HOUSING AND FEDERAL PROGRAMS**



# **SUBSTANTIAL AMENDMENT**

**ACTION PLAN    FISCAL YEAR    2008 – 2009**

**COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG –R) PROGRAM**

**MUNICIPALITY OF MAYAGUEZ**

**JOSE GUILLERMO RODRIGUEZ  
MAYOR**



Estado Libre Asociado de Puerto Rico  
**Gobierno Municipal de Mayagüez**  
Departamento de Vivienda y Programas Federales



**Disponibilidad - Enmienda Sustancial al Plan Anual del Año Fiscal 2008 - 2.009**

El Gobierno Municipal de Mayagüez informa a la ciudadanía en general que el 17 de febrero de 2009 el "American Recovery and Reinvestment Act of 2009" (ARRA) fue firmado y convertido en ley. Entre las muchas provisiones, esta Ley destinó \$1 billion a nivel de la Nación para el Programa CDBG-R (Community Block Grant Recovery Program).

El Municipio de Mayagüez es elegible para recibir fondos por la cantidad de \$763,998 bajo el Programa - CDBG-R del Departamento de Vivienda y Desarrollo Urbano Federal (HUD).

Con el propósito de adicionar estos fondos CDBG-R se ha realizado una enmienda al Plan Anual de año 2008-2009 (División CPD de HUD).

Dicha enmienda será sometida a HUD cumpliendo con las disposiciones del Título I de la Ley de Vivienda y Desarrollo Comunal del 1974, según enmendada por el "Housing Urban Recovery Act" del 1983; de acuerdo con los requisitos de la Parte 91 del Título 24 del Código de Regulaciones Federales (24CFR Part 91), con el Título XII del "American Recovery and Reinvestment Act" del 2009 y de acuerdo con el Plan de Participación Ciudadana del Municipio de Mayagüez.

Proyecto de Desarrollo Económico Propuesto - Enmienda Sustancial Plan Anual Año Fiscal 2008 - 2009.

Proyecto Pabellón Internacional      \$763,998  
Total Fondos CDBG - R

\$763,998

El Pabellón Internacional; para los Juegos Centroamericanos y del Caribe 2010 que se celebrarán en el Municipio de Mayagüez, consiste de 50,000 pies cuadrados de construcción distribuidos en las facilidades de apoyo en el área residencial de las Villas Centroamericanas, mas dos estructuras adicionales.

Una estructura de un nivel que albergará el área de gimnasio y una de dos niveles donde se localizará una sala de reuniones, un centro de información y resultados, un centro de inscripción, un centro comercial, un centro de prensa, un centro de comunicaciones, un centro de seguridad, un centro de transportación, un centro de suministros, un dispensario médico, oficinas administrativas, baños públicos y un anfiteatro para el centro de actividades culturales.

En esta area se proveerá estacionamientos para veinte (20) autobuses, una zona de traslado y trasbordo y la Plaza de Banderas. Para esta area también se incluirán quince (15) espacios de estacionamientos.

Una vez finalizados los Juegos Centroamericanos y del Caribe estas facilidades tendrán uso commercial donde se podrán establecer negocios creándose empleos directos e indirectos en el Área de Mayagüez; en adición a los empleos que se generarán durante el período de construcción.

Para este proyecto también se han separado \$236,002 de fondos CDBG a través de enmienda realizada al Plan Anual del año fiscal 2005 - 2006 (Publicación - Periódico Primera Hora - Edición del 8 de mayo de 2009. Para este proyecto se invertirán alrededor de \$3 millones de fondos del Gobierno Estatal del Estado Libre Asociado de Puerto Rico.

El borrador de la enmienda sustancial propuesta al Plan Anual del año fiscal 2008-2009 estará disponible a partir de la fecha de publicación de este aviso en los siguientes lugares:

1. Departamento de Vivienda y Programas Federales  
Municipio de Mayagüez  
Calle Ramon Emeterio Betances # 123 Sur  
Mayagüez, P.R. 00680
2. Departamento de Asuntos al Ciudadano  
Municipio de Mayagüez  
Calle Santiago Riera Palmer #17  
Mayagüez, P.R. 00680
3. Departamento de Planificación y Desarrollo  
Municipio de Mayagüez  
Calle Peral # 207 altos  
Mayagüez, P.R. 00680

El borrador de la enmienda también estará disponible en el "Web site" del Municipio de Mayagüez  
**<http://www.mayaguezpr.gov>**.

La administración Municipal invita a la ciudadanía, instituciones con y sin fines de lucro, entidades Gubernamentales y otras partes interesadas a revisar esta enmienda y someter comentarios por escrito dentro de los próximos siete (7) días calendarios a partir de la publicación de este aviso, durante horas laborables (de 8:00 am a 4:30 pm).

Dichos comentarios deberán ser enviados a la siguiente dirección;

Lcda. Edna Rodríguez Valentín  
c/o Sra. Maribel Pérez Ortiz  
Departamento de Vivienda y Programas Federales  
Municipio de Mayagüez  
Calle Ramon Emeterio Betances # 123 sur  
Mayagüez, Puerto Rico 00680

Conforme lo requerido en el Plan de Participación Ciudadana, una vez termine el período de siete (7) días de revisión, comentarios y recomendaciones, la Administración Municipal someterá a HUD esta enmienda con el procedimiento establecido por esta agencia federal.

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**José Guillermo Rodríguez**

Alcalde

# **CDBG-R SUBMISSION TEMPLATE** **& CHECKLIST**

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which \$10 million has been reserved by HUD for its administrative costs and \$10 million of which will be awarded to Indian tribes. Recipients of the remaining \$980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008. This template sets forth the suggested format for grantees receiving funds from CDBG-R. A complete submission contains the information requested below, including:

- (1) The CDBG-R Substantial Amendment (template attached below)
- (2) Spreadsheet for Reporting Proposed CDBG-R Activities (see <http://www.hud.gov/recovery>)
- (3) Signed and Dated Certifications (see <http://www.hud.gov/recovery>)
- (4) Signed and Dated [SF-424](#).

Grantees should also attach a completed CDBG-R Substantial Amendment Checklist to ensure completeness and efficiency of review (attached below).

# **THE CDBG-R SUBSTANTIAL AMENDMENT**

Jurisdiction(s): <b>Municipality of Mayaguez, Puerto Rico</b>	CDBG-R Contact Person: <b>Mrs. Edna Rodriguez Valentin</b> Address: <b>Box 447 Mayaguez, P.R. 00681-0447</b> Telephone: <b>787 - 833 - 3160</b> Fax: <b>787 - 831 - 2575</b> Email: <b>viviendama@coqui.net</b>
Jurisdiction Web Address: • <b>www.mayaguezpr.gov</b>	

## **ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS**

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

## **FOR REVIEW AND COMMENTS ON THIS SUBSTANTIAL AMENDMENT**

**FOR REVIEW AND COMMENTS OF THE PROPOSED SUBSTANTIAL AMENDMENT-ANNUAL PLAN FISCAL YEAR 2008-2009 AND / OR FOR ADDITIONAL INFORMATION OR ASSISTANCE, CALL THE DEPARTMENT OF HOUSING AND FEDERAL PROGRAMS OF THE MUNICIPALITY OF MAYAGUEZ AT 787-833-2071 BETWEEN 8:00 A.M. AND 4:30 P.M. MONDAY THROUGH FRIDAY.**

### ***A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES***

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at <http://www.hud.gov/recovery>.

## **BACKGROUND**

THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (RECOVERY ACT) WAS SIGNED INTO LAW BY PRESIDENT OBAMA ON FEBRUARY 17<sup>TH</sup>, 2009. IT IS AN UNPRECEDENTED EFFORT TO JUMPSTART THE NATION'S ECONOMY, CREATE OR SAVE MILLIONS OF JOBS, AND PUT A DOWN PAYMENT ON ADDRESSING LONG-NEGLECTED CHALLENGES. THE ACT HAS CLEAR PURPOSES – TO STIMULATE THE ECONOMY THROUGH MEASURES THAT MODERNIZE THE NATION'S INFRASTRUCTURE, IMPROVE ENERGY EFFICIENCY AND EXPAND EDUCATIONAL OPPORTUNITIES AND ACCESS TO HEALTH CARE.

THE RECOVERY ACT APPROPRIATED \$1 BILLION IN COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG) FUNDS TO STATES AND LOCAL GOVERNMENTS TO CARRY OUT, ON AN EXPEDITED BASIS, ELIGIBLE ACTIVITIES UNDER THE CDBG PROGRAM. ENTITLEMENT GRANTEES, SUCH AS THE MUNICIPALITY OF MAYAGUEZ, MUST SUBMIT A SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN / ACTION PLAN TO HUD WASHINGTON FIELD OFFICE BY JUNE 5, 2009 TO MAKE APPLICATION FOR THESE FUNDS.

THE TITLE CDBG – R IS USED WHEN REFERRING TO THE CDBG FUNDING UNDER THE RECOVERY ACT.

THE MUNICIPALITY OF MAYAGUEZ IS ELIGIBLE TO RECEIVE \$763,998 IN COMMUNITY DEVELOPMENT BLOCK GRANT – RECOVERY (CDBG-R) FUNDING FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA). THE ADMINISTERING DEPARTMENT FOR THESE FUNDS IS THE DEPARTMENT OF HOUSING AND FEDERAL PROGRAMS OF THE MUNICIPALITY. THE DEPARTMENTAL CONTACT IS MRS. EDNA RODRIGUEZ VALENTIN, MANAGER, AS NOTED ABOVE.

THIS FUNDING, REFERRED TO AS “CDBG – R”, IS SEPARATE FROM THE REGULAR, ANNUAL CDBG FUNDS THAT THE MUNICIPALITY RECEIVES EVERY YEAR. THE MUNICIPALITY OF MAYAGUEZ RECEIVED SLIGHTLY MORE THAN \$ 2,800,000 IN CDBG FUNDS FOR FISCAL YEAR 2009-2010.

THE MUNICIPALITY IS REQUIRED TO AMEND ITS PRESENT CONSOLIDATED PLAN TO INCLUDE THE CDBG-R FUNDS. THE CONSOLIDATED PLAN / ACTION PLAN PROVIDES SPECIFIC INFORMATION ABOUT PROJECTS THAT ARE CURRENTLY BEING FUNDED AS CDBG- ELIGIBLE ACTIVITIES AND PROJECTS, AND IT IS EXPECTED THAT A SIMILAR PROJECT WILL BE ELIGIBLE FOR CDBG-R FUNDING.

THE CDBG PROGRAM ENABLES LOCAL GOVERNMENTS TO UNDERTAKE A WIDE RANGE OF ACTIVITIES INTENDED TO CREATE SUITABLE LIVING ENVIRONMENTS, PROVIDE DECENT AFFORDABLE HOUSING AND CREATE ECONOMIC OPPORTUNITIES, PRIMARILY FOR LOW AND MODERATE INCOME PERSONS. THE FULL RANGE OF CDBG-ELIGIBLE ACTIVITIES AND PROJECTS WILL BE CONSIDERED FOR CDBG-R FUNDS BASED ON FURTHER GUIDANCE AS PROVIDED BY HUD; HOWEVER, ARRA DIRECTS THAT PRIORITY BE GIVEN TO PROJECTS THAT CAN AWARD CONTRACTS BASED ON BIDS WITHIN 120 DAYS FROM THE DATE THE FUNDS ARE MADE AVAILABLE.

HUD ISSUED A CDBG-R NOTICE TO PROVIDE GUIDELINES AND REQUIREMENTS FOR THE USE OF CDBG-R FUNDING.

## **CITIZEN PARTICIPATION PROCESS**

THE MUNICIPALITY OF MAYAGUEZ CITIZEN'S PARTICIPATION PLAN WAS IMPLEMENTED IN ACCORDANCE WITH TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND TITLE 24, SECTION 91.105 OF THE CODE OF FEDERAL REGULATIONS.

UNDER THE CDBG PROGRAM, THE MUNICIPALITY OF MAYAGUEZ NORMALLY IS REQUIRED TO PROVIDE 30 CALENDAR DAYS FOR SOLICITING COMMENTS FROM CITIZENS FOR SUBSTANTIAL AMENDMENTS BEFORE SUBMITTING THE PLAN TO HUD. TO EXPEDITE AND ENSURE THAT CDBG-R GRANTS ARE AWARDED IN A TIMELY MANNER, HUD HAS WAIVED THIS REQUIREMENT AND SHORTENED THE MINIMUM TIME FOR CITIZEN COMMENTS TO 7 CALENDAR DAYS AND REQUIRES THE SUBSTANTIAL AMENDMENT BE POSTED ON THE MUNICIPALITY'S OFFICIAL WEBSITE. IN ADDITION TO ACCESS ON THE WEBSITE COPIES WILL BE AVAILABLE AT LIBRARIES AND GOVERNMENTAL BUILDINGS.

THE MUNICIPALITY OF MAYAGUEZ IS FOLLOWING ITS CITIZEN PARTICIPATION PLAN TO ENSURE THE OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THIS SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN / ACTION PLAN FOR FISCAL YEAR 2008-2009.

THE MUNICIPAL GOVERNMENT PUBLISHED A NOTICE ON MAY 27, 2009 EDITION OF "PRIMERA HORA" ( A NEWSPAPER OF ISLAND-WIDE CIRCULATION) INVITING THE PUBLIC TO REVIEW AND COMMENT ON THE ANNUAL PLAN, F.Y. 2008 – 2009 SUBSTANTIAL AMENDMENT DRAFT; AVAILABLE FOR A PERIOD OF SEVEN (7) DAYS. THE DRAFT IS POSTED ON THE MUNICIPALITY OF MAYAGUEZ WEB SITE ADDRESS GIVEN IN THE NOTICE ( [WWW.MAYAGUEZPR.GOV](http://WWW.MAYAGUEZPR.GOV) ).

COMMENTS ON THE SUBSTANTIAL AMENDMENT DRAFT ARE ACCEPTED UNTIL JUNE 3, 2009, AND ALL COMMENTS WILL BE CONSIDERED. A SUMMARY OF THE PUBLIC COMMENTS REGARDING THIS SUBSTANTIAL AMENDMENT WILL BE PROVIDED TO HUD, INCLUDING A SUMMARY OF ANY COMMENTS OR VIEWS NOT ACCEPTED AND THE REASONS FOR NON-ACCEPTANCE.

***B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)***

- (1) Activity Name: (Grantees should follow the same order that activities are listed in the Spreadsheet for Reporting Proposed CDBG-R Activities – this will allow HUD to easily match activity narratives with the information provided in the spreadsheet.)

**International Pavilion Project**

**CDBG Eligibility Category:** 24 CFR part 570.203 (b)

Special Economic Development Activities

(b) Provision of assistance to a private for-profit business

**CDBG National Objective:** 24 CFR part 570.208 (a)(4)

Activities benefiting low and moderate income persons

(4) Job creation or retention activities

**Matrix Code:** 18 A – ED- Direct Financial Assistance to For-Profit Business

- (2) Activity Narrative:

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee's CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee's narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

In accordance with federal guidelines and requirements for the use of CDBG-R funding, the Municipality of Mayaguez, through its Department of Housing and Federal Programs gives priority to the following CDBG special economic development eligible activity : the **International Pavilion Project**.

The proposed project will address at least three Recovery Act objectives. The construction project preserves or creates opportunities for employment construction workers. Additionally, is proposed the reduction in energy consumption; which promotes energy independence. And finally, the facilities will be used as a host of local business creating jobs.

The Municipality has selected this project for CDBG-R funding because it will begin within 120 calendar days following the award of funds.

CDBG - R money will be used to fund this project in conjunction with other public funds:

CDBG-R Budget	\$ 763,998	
CDBG Program	\$ 236,002	(F.Y. 2005 – 2006)
State funds	\$ 3,000,000	(estimated)
Total Project Budget	\$ 4,000,000	

The International Pavilion Project is an essential facility for the XII Central American Games of 2010 to be celebrated in the Municipality of Mayaguez.

The project consists in the construction of 50,000 square feet distributed among the support facilities at the residential area and two more structures in which a gym area, twelve (12) offices, the bathrooms, an amphitheatre, a parking area and the Flags Plaza will be located.

Due to the Municipality of Mayaguez's high unemployment rate, many construction workers are either not working, or working limited hours. The construction workers have been particularly hit hard by this recession. The availability of construction work that pays federal prevailing wages for the life of the project will greatly assist those workers that have been among the most impacted by the recession.

In addition to the project preserving and creating jobs and promoting economic recovery, the project will serve as an investment in the community; the City is benefiting from the construction of these facilities because once the games finished, the facilities will be used as a host of local business creating jobs.

- (3) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

The activity selected was designed to maximize job creation. The activity will create a number of construction jobs and once the XII Central American Games of 2010 to be celebrated in the Municipality of Mayaguez finished the facilities will be used to promote the development of for profit business.



The **International Pavilion Project** will create opportunities for construction jobs. The proposed project will require at least 45 construction workers for the duration of the project that is estimated in one year.

It is anticipated that the CDBG-R funds will create the following jobs:

Construction jobs - 45  
Permanent jobs - 35  
Temporary jobs - 50

- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

The International Pavilion Project will promote energy conservation.

Aspects of the project construction that will assist with energy conservation include the energy efficient appliances, motion/ heat/ light sensors, on demand water heating, rapidly renewable material, recycled materials, low maintenance materials and landscaping. Those are just few of the different types of energy conservations that may be employed.

- (5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

CC Commercial Development, LLC

Mercantil Plaza, suite 1602

Ponce de Leon Avenue

Hato Rey, Puerto Rico 00918

Mr. Rafael Torrado - President

## **OTHER ACTIONS**

THE DEPARTMENT OF HOUSING AND FEDERAL PROGRAMS (DHFP) OF THE MUNICIPALITY OF MAYAGUEZ PLANS TO OVERSEE AND MONITOR THE ADMINISTRATION AND USE OF THE CDBG-R IN ACCORDANCE WITH PRACTICES CURRENTLY IN PLACE AND APPROVED BY HUD FOR USE IN THE CDBG PROGRAM.

THE DHFP HAS A MONITORING DIVISION RESPONSIBLE OF MONITORING CPD PROGRAMS FUNDS. THE MONITORING DIVISION STAFF WILL MONITOR THE CDBG –R FUNDING ACTIVITY AS OUTLINED IN THE CDBG-R NOTICE.

THE DHFP WILL AMEND THE MONITORING PLAN SUBMITTED WITH THE CPD PROGRAMS ANNUAL PLAN FOR FISCAL YEAR 2009-2010 TO INCLUDE THE MONITORING OF CDBG –R AS A HIGH PRIORITY AND WILL TAKE ALL NEEDED ACTIONS TO ENSURE COMPLIANCE WITH A TIMELY EXPENDITURE OF FUNDS.

IDIS SYSTEM WILL BE USED TO REPORT CDBG –R ACTIVITY ACCOMPLISHMENTS TO HUD.

### ***C. PUBLIC COMMENT***

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

***Note:*** A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response:

**PENDING**



**SUBSTANTIAL AMENDMENT – ACTION PLAN - FISCAL YEAR 2008 -2009**  
**COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG - R) PROGRAM**  
**MUNICIPALITY OF MAYAGUEZ**

**CERTIFICATIONS**

(1) **Affirmatively further fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
  - (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

- (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- 3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development

needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

JOSE GUILLERMO RODRIGUEZ  
Signature/Authorized Official

JUNE 5, 2009  
Date

MAYOR, MUNICIPALITY OF MAYAGUEZ  
Title

## OPTIONAL CERTIFICATION

### CDBG-R

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

Where the urgent need is the current economic conditions, the grantee certifies that the activity is alleviating current economic conditions which pose a threat to the economic welfare of the community in which the activity is being carried out, the recipient is unable to finance the activity on its own, and other sources of funding are not available.

JOSE GUILLERMO RODRIGUEZ

Signature/Authorized Official

JUNE 5, 2009

Date

MAYOR, MUNICIPALITY OF MAYAGUEZ

Title



CDBG-R  
Activity Data Spreadsheet

Jurisdiction/Grantee Name: MUNICIPALITY OF MAYAGUEZ		CDBG-R Fomula Grant Amount: \$ 763,998				Date: May 27,2009	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
International Pavilion Project	The proposed project is an essential facility for the XII Central American Games of 2010 to be celebrated in the Municipality of Mayaguez.	24CFR part 570.203 (b)	24CFR part 570.208 (a)(4)	763,998	0	3,236,002	4,000,000
	The project consists in the construction of 50,000 square feet distributed among the support facilities at the residential area and two more structures						0
	in which a gym area, twelve (12) offices, the bathrooms, an amphitheatre, a parking area and the Flags Plaza will be located.						0
	In addition to the project preserving and creating jobs and promoting economic recovery, the project will serve as an investment in the community; the City						0
	is benefiting from the construction of these facilities because once the games finished, the facilities will be used as a host of local business creating jobs.						0
							0
							0
							0
							0
							0
							0
							0

CDBG-R  
Activity Data Spreadsheet

Jurisdiction/Grantee Name: MUNICIPALITY OF MAYAGUEZ		CDBG-R Fomula Grant Amount: \$ 763,998				Date: May 27,2009	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
							0
							0
							0
							0
							0
							0
							0
							0
							0
							0
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							0
							0